

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
February 23, 2012

In the Matter of LONGORIA/CARSON, Minors.

No. 304969
Wayne Circuit Court
Family Division
LC No. 04-436986

Before: GLEICHER, P.J., and METER and DONOFRIO, JJ.

PER CURIAM.

Respondent P. Longoria appeals as of right from the trial court's order terminating her parental rights to four minor children pursuant to MCL 712A.19b(3)(a)(ii), (c)(i), (g), (i), (j), and (l). We affirm.

Although respondent argues that the trial court erred in finding that a statutory basis for termination existed, she only addresses the trial court's findings with respect to §§ 19b(3)(c)(i), (g), and (j). Because only one statutory ground is required to justify termination, *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000), respondent's failure to address §§ 19b(3)(a)(ii), (i), and (l) could alone preclude appellate relief with respect to the issue of a statutory basis. Nevertheless, we find that the trial court did not clearly err in finding that each cited statutory basis for termination existed.

We review for clear error the trial court's determination of the existence of a statutory ground for termination. MCR 3.977(K); *In re JK*, 468 Mich 202, 209; 661 NW2d 216 (2003). We review de novo any questions of law involving the application of a statutory subsection. *In re RFF*, 242 Mich App 188, 198; 617 NW2d 745 (2000).

The "initial dispositional order" for purposes of § 19b(3)(c)(i) was entered in November 2009, and the supplemental petition to terminate parental rights was filed in February 2011, well beyond the requisite 182 days. The condition that led to the adjudication was respondent's continued substance abuse, which was a principal factor in a prior proceeding that resulted in the termination of respondent's parental rights to another child. Although the reasonableness of services offered to a respondent may affect the sufficiency of the evidence in support of a statutory ground for termination, *In re Fried*, 266 Mich App 535, 541; 702 NW2d 192 (2005), the record does not support respondent's position that she was provided with only token services. Rather, the record supports the trial court's determination that the problem in this case was respondent's lack of cooperation, not the adequacy of services that were offered to her.

Considering the evidence that respondent did not provide required drug screens or obtain a requested evaluation of her prescription drug use, which were necessary for her to exercise parenting time with the children after July 2010, the trial court did not clearly err in finding that the conditions that led to the adjudication had not been rectified and that there was no reasonable likelihood that the conditions would be rectified within a reasonable time considering the ages of the children. MCL 712A.19b(3)(c)(i).

The record also supports the trial court's findings regarding the extent of respondent's failure to comply with the various services offered to her. Those findings support the trial court's determination that § 19b(3)(g) was established. *In re JK*, 468 Mich at 214 ("a parent's failure to comply with the parent-agency agreement is evidence of a parent's failure to provide proper care and custody for the child"). Similarly, respondent's failure to comply with and benefit from services supports an inference that the children would be at risk of harm if returned to her home, thereby supporting the trial court's determination that termination was also appropriate under § 19b(3)(j). See *In re Gazella*, 264 Mich App 668, 676; 692 NW2d 708 (2005), superseded in part on other grounds as stated in *In re Hansen*, 285 Mich App 158, 163; 774 NW2d 698 (2009), vacated on other grounds 468 Mich 1037 (2010).

Further, although not challenged by respondent, the evidence concerning the prior terminations of respondent's parental rights to two other children, and the evidence that respondent did not visit the children or work toward reunification for a period of 91 or more days after July 2010, support the trial court's determination that §§ 19b(3)(a)(ii), (i), and (l) were also established by clear and convincing evidence.

Lastly, we find no merit to respondent's argument that termination of her parental rights was not in the children's best interests. MCL 712A.19b(5). We review this issue for clear error. MCR 3.977(K); *In re JK*, 468 Mich at 209. Considering the lack of evidence of any significant bond between respondent and the children, the length of time the children had been in foster care, and the absence of any reasonable expectation that respondent would be in a position to provide the proper care and custody the children required within a reasonable time, the trial court did not clearly err in finding that termination of respondent's parental rights was in the children's best interests.

Affirmed.

/s/ Elizabeth L. Gleicher
/s/ Patrick M. Meter
/s/ Pat M. Donofrio